

CHAPTER 30
WATER RECREATION ACCESS COST-SHARE PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 79]

571—30.1(452A) Purpose. The purpose of this rule is to define procedures for cost sharing between state and local public agencies to provide for the acquisition or development of public recreational boating accesses to Iowa waters.

571—30.2(452A) Availability of funds. Moneys derived from the excise tax on the sale of motor fuel used in watercraft under Iowa Code section 452A.79 are deposited as a “marine fuel tax” and are subject to appropriation by the general assembly to the department of natural resources. Each year, as part of its approval of the department’s capital improvement plan, the commission shall designate an amount to be available for this program.

571—30.3(452A) Eligibility of development projects. Development projects may include, but are not necessarily limited to, the following:

1. Construction of boat ramps or other conveyances by which recreational boaters are provided a means of placing boats in the water and removing them.
2. Docks as necessary to provide loading and off-loading of equipment and passengers.
3. Boat slips or other on-water boat storage facilities when available to the general public.
4. Parking lots for vehicles and trailers of boaters utilizing public ramps.
5. Roads to provide access to ramp(s) and parking.
6. Rest rooms designed and located so as to primarily serve needs of recreational boaters.
7. Localized dredging required to provide boat access to boatable waters.
8. Shoreline protection measures judged necessary to provide for safety and longevity of boating waters.
9. Signs and markers as needed to direct recreational boaters on use and regulations of access areas.
10. Fencing as needed to establish boundaries, prevent encroachments and control trespass.
11. Lights to provide for safe utilization of ramps and parking areas.
12. Support facilities such as sidewalks, utilities, landscaping, etc., which are necessary for safe and appropriate public use.
13. Canoe/small boat access sites/parking.
14. Renovation projects when they meet all other criteria as specified in this rule.
15. Contractual services for survey and engineering necessary for the design and construction of access facilities.
16. Diagnostic feasibility studies of basin restoration and watershed protection needs of public-owned lakes where water quality, water-based recreation and sport fishing have been diminished and when the lake is included in the department’s first or second priority lists for restoration.
17. Watershed protection and lake basin restoration measures of those lakes for which a diagnostic feasibility study has been completed and that meet the criteria of paragraph “16” of this rule. Measures funded shall be limited to those recommended in the diagnostic feasibility study.

571—30.4(452A) Eligibility of acquisition projects. Lands acquired with water access funds must be used for recreational boating/canoeing access. Costs for a department-approved appraisal report and the cost of surveys necessary to determine acreage and establish boundaries are also eligible for assistance on those projects approved for funding. Acquisitions of five acres in size for motorboat access sites and two acres in size for canoe access sites are considered typical. Applicant must provide specific justification to demonstrate how larger acreages relate to boat access needs.

571—30.5(452A) Projects not eligible. The following types of projects are not eligible for assistance from the water access fund:

1. Acquisition of land when the principal use of the land will be for something other than recreational boating access.
2. Any type of development which will not provide for improved or increased public access to or safety and longevity of boating waters.
3. The cost of land in excess of the approved appraised valuation.
4. Donated labor, materials, and equipment use, except as specified in rule 571—30.9(452A).
5. Force account labor and equipment use (sponsor's own labor and equipment), except as specified in 30.9(452A).
6. Any portion of a facility, as determined by area or time of usage, that is of a commercial nature and does not provide a direct service to recreational boaters.
7. Projects with a total grant request of less than \$1,000.
8. Any project or project costs incurred prior to notification of the sponsoring agency by the director that a grant had been approved. The only exception to this is when a waiver of retroactivity has been granted on a land acquisition project under 30.6(452A).

571—30.6(452A) Waiver of retroactivity. In case of extreme urgency involving land acquisition, a grant applicant may formally request a written "waiver of retroactivity" which, if granted by the director of the department of natural resources, will permit the applicant to acquire the real property immediately without jeopardizing its chances of receiving a grant. However, the granting of the waiver in no way implies or guarantees that any subsequent grant application covering the acquisition will be selected for funding by the planning committee. The request for the waiver must include justification regarding the urgency of the acquisition, a description of the land to be acquired, and a county map on which the land to be acquired is located. Acceptable justification would include situations in which land is to be sold at auction or by sealed bids or when the landowner requires immediate purchase.

571—30.7(452A) Establishing project priorities. The director shall appoint a six-member water access committee representing a cross section of department responsibilities for the purpose of reviewing and establishing priorities for cost sharing.

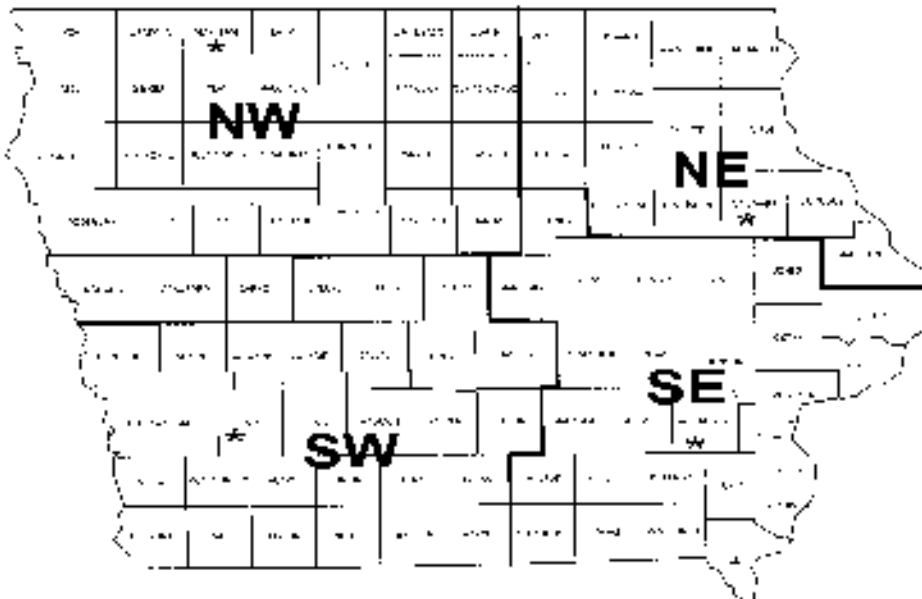
571—30.8(452A) Application procedures. Applications on forms provided by the agency must be received by the Department of Natural Resources Fisheries Management Area Office for the county in which the project is to be located as shown on the map below, no later than 4:30 p.m. on the last working day of January in order to be eligible for review at the next water access committee meeting. Addresses of the area offices are:

Northwest Iowa
District Fisheries Supv.
611 252nd Ave.
Spirit Lake, IA 51360
(712) 336-1840

Southwest Iowa
District Fisheries Supv.
Cold Springs State Park
Lewis, IA 51544
(712) 769-2587

Northeast Iowa
District Fisheries Supv.
State Fish Hatchery
22693 205th Ave.
Manchester, IA 52057
(319) 927-3276

Southeast Iowa
District Fisheries Supv.
Lake Darling Station
10 Lake Darling Road
Brighton, IA 52540
(319) 694-2430



571—30.9(452A) Cost-sharing rates. All projects approved for assistance will normally be cost-shared at a 75 percent state/25 percent local ratio, except as provided in exceptions listed below.

Exceptions to the normal funding formula may occur under the following conditions:

1. Where a local public agency agrees under terms of a long-term agreement to assume maintenance and operation of a department of natural resources water access facility, the approved development or improvements needed on that facility will be funded at 100 percent.
2. Where feasible and practical, the department will provide funds to cover 100 percent of materials needed for a development project if the local subdivision agrees to provide 100 percent of the labor and equipment to complete that development.
3. Where joint use will be made of a project by commercial interests as well as by recreational boaters, only that portion of a project attributable to the use by recreational boaters will be cost-shared through this program.
4. When, at the discretion of the director, some alternate funding level is deemed appropriate.

571—30.10(452A) Joint sponsorship. Two or more local public agencies may join together to carry out a water access project. However, for the purposes of the grant program, the committee will accept only one local agency as the prime project sponsor. Any written agreements between the local agencies involved in any joint venture will be made a part of any grant application. The application rating system will be applied only to the prime sponsor. The project agreement will be negotiated with the prime sponsor and reimbursements will be paid to it.

571—30.11(452A) Control of project site. In order for a project site to be eligible for a development grant, it must be under the physical control of the grant applicant, either by fee title, lease, management agreement, or easement. The term of a lease, management agreement, or easement must be commensurate with the life expectancy of the proposed development.

571—30.12(452A) Project agreements.

30.12(1) A cooperative agreement approved by the director between the department and the local grant recipient describing the work to be accomplished and specifying the amount of the grant and the project completion date will be negotiated as soon as possible after a grant has been approved. Maximum time period for project completion shall be two years for acquisition or development projects, unless an extension approved by the director is authorized. However, agreements covering land acquisition will be dependent upon receipt of a department-approved appraisal report since assistance will be based on the approved appraised valuation or the actual purchase price, whichever is the lesser. Approved development projects costing over \$25,000 must have plans certified by a registered engineer before an agreement will be issued.

30.12(2) Cooperative agreements between the department and the local project sponsor may be amended to increase or decrease project scope or to increase or decrease project costs and fund assistance. Any increase in fund assistance will be subject to the availability of funds. Amendments to increase scope or fund assistance must be approved by the director before work is commenced or additional costs incurred. A project sponsor may request amendment of the agreement for a previously completed project to allow commercial use under the conditions specified in rule 30.9(452A), paragraph "3." The director shall have the authority to approve such amendments.

30.12(3) All approved projects, except those in which the project is owned by the state and managed by a local entity, having a grant request in excess of \$25,000 will be presented to the natural resource commission members for their information prior to project initiation. The commissioners may act to disapprove or modify projects.

571—30.13(452A) Reimbursement procedures. Financial assistance from the water access fund will typically be in the form of reimbursement grants which will be made on the basis of the approved percentage of all eligible expenditures up to the amount of the approved grant.

Reimbursement requests will be submitted on project billing forms provided by the department.

30.13(1) For acquisition projects, one copy each of the following additional documentation will be required.

- a. Deed.
- b. Invoices or bills for any appraisal or survey expense.
- c. All applicable canceled checks or warrants.
- d. A certificate of title prepared by the agency's official legal officer.

30.13(2) For development projects, grant recipients shall provide documentation as required by the department to substantiate all project expenditures.

30.13(3) Reimbursements will be made on real estate contract payments using the following procedures:

a. The grant recipient will submit to the department a copy of the real estate contract which must stipulate that the grant recipient will get physical control of the property on or before the date the first contract payment is made.

b. The grant recipient will submit to the department a copy of any approval which it is required to obtain from any governing body to enter into a real estate contract.

c. The grant recipient will submit to the department an up-to-date title opinion from its official legal officer indicating that the landowner has and can convey clear title to the grant recipient.

d. The grant recipient will submit a project billing with photocopy of the canceled warrant when claiming reimbursement.

e. When final payment has been made and title obtained, the grant recipient will submit to the department a copy of the deed and a certificate of title from its official legal officer. Only one reimbursement request may be submitted if the total project cost is \$10,000 or less. If more than \$10,000, no more than two reimbursement requests may be submitted.

A final reimbursement request shall be submitted within 90 days following the completion date indicated on the cooperative agreement. Failure to do so may be cause for termination of the project with no further reimbursement to the grant recipient.

Ten percent of the total reimbursement due any grant recipient for a development project will be withheld pending a final site inspection or until any irregularities discovered as a result of a final inspection have been resolved. Final site inspections will be conducted by assigned department staff within 30 days of notification by project sponsor that a project is completed.

571—30.14(77GA,SF2381) Implementation of pilot program for state and local cooperative lake rehabilitation. This rule provides for implementing a pilot program of state and local cooperative lake rehabilitation, funded with a special appropriation from the general assembly by 1998 Iowa Acts, Senate File 2381, and applies only to that special appropriation or subsequent appropriations made for the same purpose.

30.14(1) Program goal. The goal of this program shall be to improve or protect the quality of public inland lakes through state and local cooperative efforts that include compilation of scientific data on lakes and their watersheds of this state and assessment of experimental and innovative techniques of lake rehabilitation and protection.

30.14(2) Definitions. As used in this rule, unless the context otherwise requires:

“Lake rehabilitation” means the improvement or restoration of lakes and watersheds from an undesirable or degraded condition to a former, less deteriorated condition or to a condition of greater usefulness.

“Local project sponsor” means recreational lake districts established pursuant to Iowa Code chapter 357E, local units of government, incorporated lake protection or improvement associations or other associations of persons directly affected by the deteriorated condition of lakes and willing to assist financially in alleviating those deteriorated conditions.

“Plan” means a plan for lake and watershed restoration, rehabilitation or enhancement that prescribes specific measures, judged feasible and cost-effective, and endorsed by the department.

“Public lake” or *“lake”* means a natural water body or impoundment within the boundaries of the state that is accessible to the public by way of contiguous public lands or easements giving public access and does not include federal flood control impoundments.

“Study” means a lake diagnostic feasibility study of a methodology and design approved by the department.

30.14(3) *Availability of funding and application procedures.* Funding appropriated by the legislature for this program shall be available for grants to local project sponsors. Application for funding shall be made in a format and on a date announced by the department.

30.14(4) *Project review, selection and approval.* Applications for funding shall be reviewed by the committee established pursuant to rule 30.7(452A). The committee shall make recommendations to the director for project funding. Projects in which the state grant exceeds \$25,000 shall be presented to the natural resource commission for approval.

30.14(5) *Cost-share provisions.* Local project sponsors shall match each state dollar provided from this program with one dollar of local project money raised. Federal funds, other nonstate public funds, in-kind contributions and private funds raised by local project sponsors may be combined to meet the local match requirement, subject to approval of the department.

30.14(6) *Eligible projects.* Projects eligible for funding include studies of public lakes that include gathering data on the lake, its drainage basin, sources of pollution or nutrients, or other information necessary to determine the causes of degradation and remedial courses of action to prevent continued degradation or to determine potential causes of degradation and preventive courses of action. Preparation of a lake protection and rehabilitation plan developed under the direction of the department, lake dredging, erosion control and land acquisition related to dredging are also eligible for funding.

30.14(7) *Retroactivity.* Expenses and activities related to diagnostic feasibility studies occurring prior to the effective date of these rules may be eligible for funding if they are part of a project approved for funding and if the expenses and activities were necessary to record data or monitor lake conditions that are affected by seasonal changes or other natural cycles.

30.14(8) *Project agreements and disbursement of funds.* Upon approval of grant projects, the department and local project sponsor shall enter a project agreement on a form prescribed by the department. The duration, amount of funding and timing of disbursement of grant funds shall be stipulated in the agreement.

These rules are intended to implement Iowa Code section 452A.79.

[Filed 2/7/86, Notice 1/1/86—published 2/26/86, effective 4/21/86]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed 10/16/87, Notice 8/26/87—published 11/4/87, effective 2/3/88]

[Filed 7/19/91, Notice 5/29/91—published 8/7/91, effective 9/11/91]

[Filed 8/9/96, Notice 6/5/96—published 8/28/96, effective 10/2/96]

[Filed emergency 8/21/98 after Notice 7/1/98—published 9/9/98, effective 8/24/98]

[Filed emergency 8/20/99 after Notice 6/30/99—published 9/8/99, effective 8/20/99]